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09/632,775	08/04/2000	Stanley J. Kostoff, II	04838-060001	2125

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EXAMINER
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LAZARO, DAVID R

ART UNIT	PAPER NUMBER
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2155

MAIL DATE	DELIVERY MODE
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05/04/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/632,775

Applicant(s)

KOSTOFF, II ET AL.

Examiner

David Lazaro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/19/2007.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This office action is in response to the amendment filed 01/29/2007.
2. Claim 1 was amended.
3. Claims 1-6 are pending in this office action.

### ***Response to Amendment***

4. Applicant's arguments filed 01/29/2007 have been fully considered but they are not persuasive. See Response to Arguments. The grounds of rejection as presented in the 07/27/2006 office action are respectfully maintained.
5. The rejection of claim 1 under 35 U.S.C. 112, second paragraph, is withdrawn based on applicant's amendment.
6. The IDS filed 03/19/2007 has been considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,510,156 by Brock et al. (Brock).

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9. With respect to Claim 1, Brock teaches in a network of stations interconnected by a transmission medium, a method of operating a station according to a media access control protocol comprises:

receiving on the transmission medium at the station a first frame transmission having a destination address corresponding to the station (Col. 10 line 47 - Col. 11 line 5 and Fig. 2b); and

transmitting on the transmission medium at the station a second frame transmission including information from the first frame transmission other than the destination address, the information from the first frame transmission occupying fewer bits than the destination address but being sufficiently unique to the first frame transmission as to convey that the second frame transmission is a response to the first frame transmission (Col. 3 lines 28-46 and Col. 10 line 47 - Col. 11 line 5 and Fig. 2b).

10. With respect to Claim 2, Brock further teaches wherein the first frame transmission includes a frame check sequence and the information in the second frame transmission includes a received frame check sequence field for specifying at least a portion of the frame check sequence in the first frame transmission and is to be used to determine that the second frame transmission is a response to the first frame transmission (Col. 10 line 47 - Col. 11 line 5 and Fig. 2b).

11. With respect to Claim 3, Brock further teaches all the limitations of Claim 1 and further teaches the first frame transmission includes an indication that a response is expected (Col. 10 line 47 - Col. 11 line 5 and Fig. 2b).

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12. With respect to Claim 4, Gleeson teaches in a network of stations interconnected by a transmission medium, a media access control unit in a station comprising:

a receive handler to receive on the transmission medium a first frame transmission having a destination address corresponding to the station (Col. 10 line 47 - Col. 11 line 5 and Fig. 2b); and

transmit handler to transmit on the transmission medium a second frame transmission including information from the first frame transmission other than the destination address, the information from the first frame transmission occupying fewer bits than the destination address but being sufficiently unique to the first frame transmission as to convey that the second frame transmission is a response to the first frame transmission (Col. 3 lines 28-46 and Col. 10 line 47 - Col. 11 line 5 and Fig. 2b).

13. With respect to Claim 5, Gleeson teaches all the limitations of Claim 4 and further teaches wherein the first frame transmission includes a frame check sequence and the information in the second frame transmission includes a received frame check sequence field for specifying at least a portion of the frame check sequence in the first frame transmission and is to be used to determine that the second frame transmission is a response to the first frame transmission (Col. 10 line 47 - Col. 11 line 5, and Fig. 2b - HEC field).

14. With respect to Claim 6, Gleeson teaches all the limitations of Claim 5 and further teaches the first frame transmission includes an indication that a response is expected (Col. 10 line 47 - Col. 11 line 5 and Fig. 2b).

**Response to Arguments**

15. Applicant's arguments filed 01/28/2007 have been fully considered but they are not persuasive.

16. Applicant argues in the remarks, page 5 - *"The shortened data packets of Brock and Gleeson are not intended as response packets to indicate to a transmitting station that data (the 'first frame transmission') has been received. Thus, the packets of Brock and Gleeson do not contain 'information from a first frame transmission.' And thus the shortened packets of Brock and Gleeson also do not contain information that is 'sufficiently unique to a first frame transmission as to convey that the second frame transmission [data packet] is a response to the first frame transmission.'"*

a. Examiner's response - In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

b. Particularly, the claim does not include limitations regarding an origin/transmitting station that the first frame is transmitted from or that the second frame transmission is being transmitted to the origin/transmitting station of the first frame. The claim does not indicate any particular destination for the second frame transmission. Additionally, the claim language does not indicate that the second frame transmission is being explicitly used by the station to acknowledge to the transmitter of the first frame that the first frame transmission was received. As such, there is no claimed subject matter corresponding to the

shortened data packets being *"response packets to indicate to a transmitting station that data (the 'first frame transmission') has been received"*. Applicant's arguments are not persuasive.

c. The examiner notes that while the claim states the limitation "to convey that the second frame transmission is a response to the first frame transmission", such a "response" is not limited to an acknowledgement indication as applicant is implying. In Brock, a second transmission is directly related to the previous transmission (Col. 3 lines 28-32). The relationship allows a second, optimized frame to be created in response to receiving the previous frame (Col. 7 line 51 - Col. 8 line 32), by using for example, a checksum field (i.e., unique information) from the first frame (Col. 3 lines 41-46 and Col. 10 lines 46-55). The examiner considers this to be within the scope of *"sufficiently unique to a first frame transmission as to convey that the second frame transmission [data packet] is a response to the first frame transmission."*

17. Applicant argues in the remarks, page 5 - *"First, neither Brock nor Gleeson are concerned with providing a shortened response packet, which serves to tell a transmitting station that its packet has been received. The references discuss how packets should be formed and coded, but say nothing in particular about how response packets should be formed."*

d. Examiner's response - As note above, the claimed subject matter does not include the features of the second frame transmission being transmitted by the station to specifically acknowledge to a transmitting station that transmitted the

first transmission frame of the receipt of the first transmission frame. Applicant's arguments are not persuasive.

18. Applicant argues in the remarks, page 5-6 - *"Second, neither Brock nor Gleeson teach anything about making a transmitted data packet ("second frame transmission") sufficiently unique to another data packet ("first frame transmission") as to convey that the second frame transmission is a response to the first frame transmission. Brock and Gleeson teach codes that represent header information, but those code bear no relationship to information in another data packet, let alone a sufficient uniqueness to information in another data packet."*

e. Examiner's response - As noted above in paragraph 16.c., Brock explicitly discloses that the second frame includes information from the first frame, which, for example, can be the Header Error Control value (Col. 3 lines 28-46 and Col. 10 lines 46-55). Applicant's arguments are not persuasive.

### **Conclusion**

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

20. U.S. Patent 6,570,857 by Haartsen et al. "Central multiple access control for frequency hopping radio networks" May 27, 2003. Discloses the use of shortened MAC addresses.

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David Lazaro  
April 20, 2007



SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER